



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

FEB 15 2019

MEMORANDUM

SUBJECT: Freedom of Information Act (FOIA) Policy and Procedures Update

FROM: Matthew Z. Leopold
General Counsel

TO: Assistant Administrators
Associate Administrators
Deputy Assistant Administrators
Deputy Associate Administrators
Regional Administrators
Deputy Regional Administrators
Regional Counsels
Deputy Regional Counsels
FOIA Officers
FOIA Coordinators
OGC NFO

In 2018, the Environmental Protection Agency (EPA or Agency) reorganized the Agency's offices that implement the FOIA by redelegating the Chief FOIA Officer functions to the General Counsel and by moving the National FOIA Program staff from the former Office of Environmental Information (OEI) to a new National FOIA Office (NFO) in the Office of General Counsel (OGC).¹ This Memorandum reaffirms, on an interim basis, the attached EPA FOIA Policy and Procedures, which the Chief FOIA Officer issued when that function was in OEI.²

Each Organization shall ensure their implementation of the FOIA and their FOIA procedures comply with the attached Agency FOIA Policy and Procedures and this Memorandum. Going forward, the following terms used in the Agency FOIA Policy and Procedures have the following meanings.

¹ OEI merged with the Office of Administration and Resources Management to form the Office of Mission Support.

² U.S. Env'tl. Prot. Agency, Freedom of Information Act Policy, CIO 2157.1 (Sept. 30, 2014); U.S. Env'tl. Prot. Agency, Freedom of Information Act Procedure, CIO 2157-P-01.1 (Sept. 30, 2014).

- The Chief FOIA Officer is the General Counsel.
- The National FOIA Program means the National FOIA Office in the Office of General Counsel.
- The Office of General Counsel replaces the Office of Environmental Information.
- The FOIA Public Liaison is the Director of the National FOIA Office, and the FOIA Requester Service Center is located in the National FOIA Office.

EPA will interpret the FOIA Policy and Procedures consistent with FOIA. OGC has issued guidance on the FOIA Improvement Act of 2016, a copy of which is attached. Additionally, NFO is developing changes to the Agency's FOIA regulations. After EPA's updated FOIA regulations take effect, I direct NFO to fully review and revise the attached FOIA Policy and Procedures. In February 2018, EPA released its Reform Plan in response to Executive Order 13781, *Comprehensive Plan for Reorganizing the Executive Branch*. EPA's Reform Plan includes greater consistency in EPA's regional organizational structure to increase visibility into regional FOIA operations. NFO's full revisions of the FOIA Policy and Procedures will reflect the reorganization of regional FOIA offices into the Offices of Regional Counsel.

This Memorandum is effective immediately.

Attachment